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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,583	12/14/2000	Christian Frederik Du Toit Mostert	2007-00100	1516

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EXAMINER

LEE, CHI HO A

ART UNIT

PAPER NUMBER

2663

10

DATE MAILED: 04/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/646,583

Applicant(s)

DU TOIT MOSTERT ET AL.

Examiner

Andrew Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>Z</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12, 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kostreski et al U.S. Patent Number 5,729,549.

Re Claims 1 and 20, fig. 4 teaches a interactive headend 5 and broadcast headend 10 (at least one content provider & at least one service provider) for multiplexing video and VOD services to plurality of wireless premise devices (multiple users), wherein the the headend includes plurality of transmitter and antenna (a transmission infrastructure) for transmitting signals over the wireless connection to the wireless premise device fig. 8; fig. 9 teaches the details of the TIM of fig. 8 for each wireless premise device consisting of an antenna in conjunction to the Digital Receiver (a receiver card), RF modem 212 (a modem for demodulating the broadcast signal, wherein CPU 105 to send and receive messages relating to the interactive services TIM controller 210 (See col. 23, lines 6 +).

Re Claims 2, 11, 12, 18, 19, refer to Claim 1, further teaches that during interactive service, the Interactive Headend 5 includes the Gateway 31 for performing handshaking with the requesting premise and instruct the DET 100 to tune to the RF channel (at least one switchable channel) carrying the particular interactive service,

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wherein the permitting the activation of the a specific channel of information is determined during handshaking (See Col. 29, lines 6-32).

Re Claims 3, 15, refer to Claim 1, wherein the Headends includes MPEG encoder for encoding prior to transmission.

Re Claims 4, 5, 16, 17, refer to Claim 3, wherein the encoder also encrypts (see col. 12, lines 18-30).

Re Claim 6, refer to Claim 1.

Re Claim 7, refer to Claim 1, wherein the system supports MPEG compression and decompression.

Re Claim 8, refer to Claim 1.

Re Claim 9, refer to Claim 1, wherein Interactive headend includes a server 33 for collecting information from at least one content provider via the Internet Interface 33 (Internet content provider & Internet service provider); the MPEG MUX performs classifying and grouping the information into channels; QAM MOD 13 for generating a modulated signal information signal for transmission; RF Combiner for broadcasting the modulated information over the wireless network.

Re Claim 10, refer to Claim 2, wherein the Gateway also provides necessary decoding information (refreshing the stored information with an updated version) to the terminal 100 via the signaling channel (See col. 29, lines 50-68).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kostreski et al U.S. Patent Number 5,729,549.

Re Claim 13, Kostreski fails to explicitly teach using one or more of modulation technique consisting of GMSK, QPM and Galaxy modulation. Examiner takes official notice that all these modulation techniques are well known to one skilled in the art and would have been an obvious expedient for modifying the QAM modulating in Kostreski to another known modulation technique as long as video signals are modulated and demodulated at the receiver and transmitter.

Re Claim 14, since the modulation is over an unreliable medium, one skilled in the art would have been motivated to modify QAM modulation technique with a modulation technique that includes a redundancy check for reliability.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent Number 5752160 teaches interactive VOD service;

U.S. Patent Number 5978368 teaches allocation of channels for data service;

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 703-305-1500. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
A/ ANDY LEE  
PATENT EXAMINER  
4/12/04